

Application No. 10/576,816
Response to Final Action dated 09/25/08
Page 2

REMARKS

Reconsideration of the present application in view of the following remarks is respectfully requested.

Status of the Claims

Claims 12-17, 19-21 and 32 are presented. No claims are amended. No claims are cancelled. No new claims are added.

Summary of the Invention as Claimed

The pending claims are directed to methods of treating skin damaged by UV-A and/or -B radiation. The methods comprise applying to the damaged skin a composition comprising : (a) a pulp extract from the Argania spinosa fruit; and (b) at least one dermopharmaceutical auxiliary and/or additive. In certain preferred embodiments (see claim 19) the extract of the method is selected from the group consisting of a non-saponifiable fraction, a triterpene fraction, lupeol, alpha- amyrine, beta-amyrine, taraxasterol and psi-taraxasterol.

Rejections under 35 U.S.C. § 103(a)

Claims 12-17, 19, 21 and 32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Charrouf et al. (Plantes Medicinales et Phytotherapie 25 (203), 112-119, 1991, “Charrouf”) in view of Fabre et al. (FR 2724663A1; “Fabre”), further in view of Charrouf et al. (EP 1213025 A1; ‘025). Applicants respectfully traverse the Examiner’s rejection.

Charrouf discloses the identity of some of the major components of the unsaponifiable fraction of the hexane extract of the fruit pulp of Argania spinosa (Argan). No specific utility for this pulp extract is reported, although the introduction mentions that Argan oil, derived from the **seeds** (cf. Wikipedia article on Argan oil, http://en.wikipedia.org/wiki/Argan_oil), has been used in traditional medicine.